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|---|--------------------------------|------------------------------|---|
| <b>AMENDMENT TRANSMITTAL LETTER</b>       |                                |                              | Docket No.<br>SPINE 3.0-437 CIPCIPCIPCIPCON |
| Application No.<br>10/642,528-Conf. #3167 | Filing Date<br>August 15, 2003 | Examiner<br>B. E. Pellegrino | Art Unit<br>3738                            |

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: AXIALLY COMPRESSIBLE ARTIFICIAL INTERVERTEBRAL DISC HAVING LIMITED ROTATION USING A CAPTURED BALL AND SOCKET JOINT WITH A SOLID BALL AND COMPRESSION LOCKING POST

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED  |                                  |                                |                             |      |      |
|--|----------------------------------|--------------------------------|-----------------------------|------|------|
|  | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate |      |
| Total Claims   | 20                               | - 20 =                         |                             | x    |      |
| Independent Claims   | 3                                | - 3 =                          |                             | x    |      |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |                                  |                                |                             |      |      |
| Other fee (please specify):  |                                  |                                |                             |      |      |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>                          |                                  |                                |                             |      | 0.00 |

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095  
as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
Raymond Garguilo, Jr.  
Attorney/Agent Reg. No.: 50,930

Dated: July 19, 2006

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 19, 2006

Signature:  (Raymond Garguilo, Jr.)

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Dated: July 19, 2006

Signature: \_\_\_\_\_

(Raymond Garguilo, Jr.)

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCON XIV  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Errico et al.

Application No.: 10/642,528

Filed: August 15, 2003

For: AXIALLY COMPRESSIBLE ARTIFICIAL  
INTERVERTEBRAL DISC HAVING  
LIMITED ROTATION USING A CAPTURED  
BALL AND SOCKET JOINT WITH A  
SOLID BALL AND COMPRESSION  
LOCKING POST

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: Group Art Unit: 3738  
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: Examiner: B. E.  
Pellegrino  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Official Action mailed June 30, 2006, Applicants submit the following amendments and remarks.